IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MAXWELL C. EZENWA	§	
VS.	§	CIVIL ACTION NO. 1:24-CV-108
UNITED STATES OF AMERICA, ET AL.	§	

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Maxwell C. Ezenwa, a federal inmate, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the United States of America, Sheryl Fryer, and Channel 13. Plaintiff alleges the defendants violated his constitutional rights in connection with Plaintiff's prosecution in the Houston Division of the Southern District of Texas. Plaintiff also invokes the court's diversity jurisdiction over his state law claims.

Discussion

When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391(b) provides that venue is proper in the judicial district where the defendants reside or in which the claim arose. Venue is not proper in the Eastern District of Texas, because Plaintiff alleges that the claims arose in Harris County, Texas. Under 28 U.S.C. § 1404(a), the district court may transfer a civil action to any other district where it could have been brought for the convenience of parties and witnesses and in the interest of justice. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The court has considered the circumstances and has determined that justice would be served by transferring this action to the district where the claims arose. Therefore, it is the opinion of the

undersigned that this case should be transferred to the Houston Division of the United States District

Court for the Southern District of Texas. It is accordingly

     ORDERED that this civil rights action is **TRANSFERRED** to the Houston Division of the

United States District Court for the Southern District of Texas.

     SIGNED this the 1st day of April, 2024.

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Christine L Stetson
UNITED STATES MAGISTRATE JUDGE